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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,824	01/18/2002	Juzer Jangbarwala	1693	5780
24264	7590	12/23/2003	EXAMINER	
TIMOTHY J MARTIN, PC 9250 W 5TH AVENUE SUITE 200 LAKEWOOD, CO 80226			CINTINS, IVARS C	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/031,824	Applicant(s) JANGBARWALA, JUZER	
	Examiner Ivars C. Cintins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-17 and 27-30 is/are allowed.
- 6) ☒ Claim(s) 18-24 and 31 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18, 19, 21-24 and 31 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. As pointed out in the previous Office action, Applicant has disclosed (see the paragraph bridging pages 9 and 10 of the specification) that his method for softening water includes a service cycle, a brine draw cycle, a waste draw cycle and a rinse/brine refill cycle (see page 9, lines 29-30 of the specification). Applicant has further disclosed that the rinse/brine refill cycle is necessary in order to rinse the resin vessel as well as refill the brine tank (see page 10, lines 10-13 of the specification). Furthermore, Applicant has indicated in Fig. 1 of the drawings that only the backwash cycle is optional, not the service, brine draw, waste draw and rinse/brine refill cycles. Accordingly, this rinse/brine refill cycle is deemed to be essential to Applicant's method for softening water, and the failure to recite this apparently essential step in claims 18, 19, 21-24 and 31 renders these claims not enabled by the disclosure. It is noted that claim 31 recites a rinse step (i.e. step g), but this claim fails to also recite the above noted essential brine refill step.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-24 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 18, 19, 21-24 and 31 are incomplete because these claims fail to recite the apparently essential rinse/brine refill step, as explained above. Also, the

term "the step of collecting" (claims 19 and 24, lines 1-2) no longer has antecedent basis in the claims, and is therefore indefinite, since Applicant has deleted this term from parent claim 18. Claim 20 depends from claim 19, and is therefore also indefinite.

Claims 1-9, 11-17 and 27-30 are allowed. Claims 25 and 26 are objected to as being dependent upon a rejected base claim, but would also be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The proposed drawing correction filed September 22, 2003 has been approved.

Applicant's arguments filed September 22, 2003 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that a rinse/brine cycle is not essential to the invention because water is softened in the service cycle, which occurs before the rinse/brine cycle is initiated. It is pointed out, however, that the "water softening" method recited in claims 18, 19, 21-24 and 31 requires more than just a single use of the resin to soften water. Instead, this recited method is directed to a cyclic operation involving alternating service and regeneration cycles. Since the regeneration portion of this operation utilizes brine, and since this brine must be formed from water, the absence of a rinse/brine refill step would preclude the formation of additional brine for use in subsequent regeneration cycles. Accordingly, this rinse/brine refill step is deemed to be essential to the cyclic operation of the recited water softening method. In any event, Applicant has clearly disclosed that his "method for softening water includes a service cycle, a brine draw cycle, a waste draw cycle and a rinse/brine cycle" (see page 9, lines 29-30 of the specification). Furthermore, while Applicant has labeled the backwash cycle as "optional" in Fig. 1 of his drawing, the rinse/brine cycle

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shown in this same figure has clearly not been labeled as optional. Therefore, it appears that Applicant himself considers this rinse/brine cycle to be essential to his water softening method.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0987.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
12/14/03